## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )				
	Plaintiff,	) 8:07MJ22 )		
	vs.	) DETENTION ORDER		
CA	RLOS LOPEZ,			
	Defendant.	}		
A.	Order For Detention  After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on March 9, 2007, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	Statement Of Reasons For The Detention  The Court orders the defendant's detention because it finds:  By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.			
C.	distribute methamphetan a minimum sentence of fi forty imprisonment (b) The offense is a crime of (c) The offense involves a na (d) The offense involves a la	and includes the following: e offense charged: y to distribute and possess with intent to nine in violation of 21 U.S.C. § 846 carries ve years imprisonment and a maximum of violence. arcotic drug. rge amount of controlled substances, to wit:		
	may affect wheth The defendant h X The defendant h The defendant h The defendant is The defendant of ties. Past conduct of The defendant h X The defendant h X The defendant h Tourt proceeding	appears to have a mental condition which her the defendant will appear. Leas no family ties in the area. Leas no steady employment. Leas no substantial financial resources. Lean not a long time resident of the community. Leas not have any significant community. Leas a history relating to drug abuse. Leas a history relating to alcohol abuse. Leas a significant prior criminal record. Leas a prior record of failure to appear at		

		Release pending trial, sentence, appeal or completion of sentence.
		(c) Other Factors:
		The defendant is an illegal alien and is subject to deportation.
		X The defendant is a legal alien and will be subject to
		deportation if convicted The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal. Other:
Х	(4) TI	e nature and seriousness of the danger posed by the defendant's
	release are as follows: The nature of the charges in the Indictment, the defendant's prior criminal history and his noncompliance with his order of probation. A warrant for his arrest has been issued by Dixon County, Nebraska, for violation of probation.	
Χ	(5) <b>R</b>	buttable Presumptions
	In or	determining that the defendant should be detained, the Court also relied the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) ich the Court finds the defendant has not rebutted:
	X	(a) That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that
		the crime involves:
		<ul><li>(1) A crime of violence; or</li><li>(2) An offense for which the maximum penalty is life</li></ul>
		imprisonment or death; or
		X (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3)
		above, and the defendant has a prior conviction for one
		of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed
		while the defendant was on pretrial release.
	Χ	(b) That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of the community because the Court finds that there is probable
		cause to believe:
		X (1) That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more.
		(2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous
		weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 9, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge